

Notice of Allowability

Application No.

09/945,414

Applicant(s)

VANDERMEIJDEN ET AL.

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/30/2006.
2. ☒ The allowed claim(s) is/are 1-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 05/30/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jordan M. Becker on 06/08/06.

The application has been amended as follows:

In claim 1, line 8, after "to", add -- perform browsing --.

In claim 1, line 8, after "to", "execute a predetermined action" was deleted.

In claim 1, lines 9, 10, after "the", "predetermined action" was changed to -- browsing --.

In claim 31, line 8, after "browser", add -- performing browsing --.

In claim 31, line 8, after "browser", "executing a predetermined action" was deleted.

In claim 31, line 10, after "the", "predetermined action" was changed to -- browsing --.

In claim 50, line 4, after "method", add -- in the browser --.

In claim 50, line 4, after "comprising," "in the browser" was deleted.

In claim 50, line 7, "executing a predetermined action" was changed to -- performing browsing --.

In claim 50, line 8, after "the", "predetermined action" was changed to -- browsing --.

Reasons for Allowance

2. Claims 1-70 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 31 and 50, the prior art reference Enzmann fails to the browser of a mobile device to perform browsing **without** the user making any request for the browsing. Enzmann teaches the browser of a mobile device to perform browsing **with** the user making the request for the browsing (col.4, lines 65-67, col.5, lines 1-15). There is no teaching or motivation for performing browsing without user's request for the browsing as claimed because Enzmann directly make a request for accessing website.

Examiner's newly discovered reference, Tamara fails to teach a browser of a mobile device to perform browsing. Tamara teaches a fax machine to accesses internet by use of access of dial-up (col.2, lines 55-60). There is no teaching or motivation for a fax machine to have mobile capability as well as for performing browsing.

Regarding claim 20, the prior art reference Enzmann fails to the browser of a mobile device to look up ring tone data **without** the user making any request to look up the ring tone data. Enzmann teaches the browser of a mobile device to look at additional information **with** the user making the request for the information (col.4, lines 65-67, col.5, lines 1-15). There is no teaching or motivation for looking up ring tone data without user's request for the ring tone as claimed because Enzmann directly make a request for accessing website.

The reasons for allowance for claim 69 has been already written in the 09/22/2004 office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/945,414

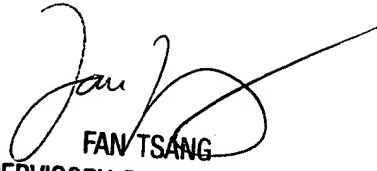
Page 5

Art Unit: 2614

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June 9, 2006


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